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June 9, 2020

The Honorable Mitchell S. Goldberg  
United States District Court  
Eastern District of Pennsylvania  
601 Market Street  
Philadelphia, PA 19106-1797

VIA ELECTRONIC FILING

Re: *Amgen Inc. v. Amneal Pharmaceuticals LLC, et al.*; C.A. No. 16-853 (MSG)

Dear Judge Goldberg:

This firm, together with McAndrews, Held & Malloy, Ltd., represents Defendant Piramal Healthcare UK Limited in the captioned case. We write in advance of the status conference that the Court scheduled for June 11, 2020 (D.I. 494).

As Your Honor may recall, following the Court's Judgment of non-infringement in favor of Piramal and against Amgen (D.I. 386) and Amgen's Notice of Appeal (D.I. 397), Amgen filed an Emergency Motion for Preliminary Injunction Pending Appeal (D.I. 430), which Piramal opposed (D.I. 447). Subsequently, the Court entered a Stipulated Order enjoining Piramal and its marketing partner, Slate Run Pharmaceuticals, LLC, from selling or offering for sale Piramal's cinacalcet tablets until, among other events, the Federal Circuit issued a mandate affirming the Court's Judgment (D.I. 462). The Stipulated Order required Amgen to post a bond in the amount of \$39,000.000 pursuant to Fed. R. Civ. P. 62(d), which Amgen later did (D.I. 476).

On remand now that the Federal Circuit has affirmed the Court's Judgment in favor of Piramal, Piramal seeks recovery of damages from the injunction bond. Piramal and Amgen have exchanged proposed schedules for the damages case and, with Your Honor's permission, would like to submit a joint proposed schedule shortly after the status conference.

In addition, to simplify matters for the Court and the parties, Piramal respectfully requests the Court to de-consolidate the case that Amgen filed against Piramal from the captioned case. Judge Sleet consolidated the Piramal case with related cases that Amgen filed against other cinacalcet ANDA filers (C.A. No. 17-713, Oral Order of August 15, 2017), but there are no longer any common issues of law or fact between the Piramal case and the other consolidated cases. *See* Fed. R. Civ. P. 42(a). *See also Hall v. Hall*, 138 S. Ct. 1118, 1130 (2018) ("actions do not lose their separate identity because of consolidation"). Amgen has stated that it does not agree with Piramal's request for de-consolidation, but has not explained the basis for its disagreement.

We look forward to discussing these issues with Your Honor at the status conference.

Respectfully,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (#110)

cc: All Counsel of Record (via ECF)